

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

John E. Shaffer
Michelle R. Shaffer
Debtor(s)

Bankruptcy Case No.: 20-20453-CMB
Per June 1, 2020 Proceeding
Chapter: 13
Docket No.: 32 - 15
Concil. Conf.: August 13, 2020 at 11:30 AM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated February 20, 2020 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☒ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Aug. 13, 2020 at 11:30 AM, in remotely by the Trustee via Zoom, how to participate: goto www.ch13pitt.com, meetings@chapter13trusteewdpa.com.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under 11 U.S.C. §506, disputes over the amount and allowance of claims entitled to priority under 11 U.S.C. §507, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Lakeview Loan Servicing, LLC (Cl. #19) .
- ☒ H. Additional Terms: Fee application needed if any fee (including retainer) exceeds \$2,500/\$3,100 including any fees paid to prior counsel.

The secured claim(s) of the following creditors shall govern as to claim amount, to be paid at the modified plan interest in a monthly amount to be determined by Trustee to pay in full: Citizens Bank (Cl. #8).

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.


B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Carlota M. Böhm, Judge
United States Bankruptcy Court

Dated: June 4, 2020

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 John E. Shaffer
 Michelle R. Shaffer
 Debtors

Case No. 20-20453-CMB
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: dric
 Form ID: 149

Page 1 of 2
 Total Noticed: 35

Date Rcvd: Jun 04, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 06, 2020.

db/jdb
 cr +John E. Shaffer, Michelle R. Shaffer, 619 Cambria Avenue, Avonmore, PA 15618-9790
 +Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Ave.,
 Pittsburgh, PA 15233-1828
 15196475 +CCB/DNTLFIRST, PO Box 182120, Columbus, OH 43218-2120
 15196476 +Citicards CBNA, PO Box 6241, Sioux Falls, SD 57117-6241
 15196478 +Discover Personal Loans, PO Box 15316, Wilmington, DE 19850-5316
 15196479 +FNB Omaha, PO Box 3412, Omaha, NE 68103-0412
 15206561 +JPMorgan Chase Bank, N.A., s/b/m/t Chase Bank USA, N.A.,
 c/o National Bankruptcy Services, LLC, P.O. Box 9013, Addison, Texas 75001-9013
 15230327 +Lakeview Loan Servicing LLC, PO Box 840, Buffalo, NY 14240-0840
 15223650 ++US BANK, PO BOX 5229, CINCINNATI OH 45201-5229
 (address filed with court: U.S. Bank National Association, Bankruptcy Department,
 PO Box 108, Saint Louis MO 63166-0108)
 15196489 +US Department of Education/GLE, 2401 International, POB 7859, Madison, WI 53707-7859
 15196490 +Wells Fargo Bank, PO Box 14517, Des Moines, IA 50306-3517
 15227747 Wells Fargo Bank, N.A., PO Box 10438, MAC F8235-02F, Des Moines, IA 50306-0438

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

cr +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jun 05 2020 02:46:39
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 15205410 E-mail/Text: Bankruptcy.RI@Citizensbank.com Jun 05 2020 02:39:00 Citizens Bank N.A.,
 One Citizens Bank Way, JCA115, Johnston, Rhode Island 02919
 15196483 E-mail/Text: Bankruptcy.RI@Citizensbank.com Jun 05 2020 02:39:00 RBS Citizens NA,
 480 Jefferson Blvd, Warwick, RI 02886
 15196474 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Jun 05 2020 02:47:27 Capital One,
 PO Box 30281, Salt Lake City, UT 84130-0281
 15200081 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Jun 05 2020 02:46:37
 Capital One Bank (USA), N.A., by American InfoSource as agent, PO Box 71083,
 Charlotte, NC 28272-1083
 15197387 +E-mail/Text: bankruptcy@cavps.com Jun 05 2020 02:39:27 Cavalry SPV I, LLC,
 500 Summit Lake Drive, Ste 400, Valhalla, NY 10595-2321
 15196477 E-mail/Text: mrdisen@discover.com Jun 05 2020 02:39:01 Discover Financial Services LLC,
 PO Box 15316, Wilmington, DE 19850
 15198542 E-mail/Text: mrdisen@discover.com Jun 05 2020 02:39:01 Discover Bank,
 Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
 15203362 +E-mail/Text: dplbk@discover.com Jun 05 2020 02:39:28 Discover Personal Loans,
 PO Box 30954, Salt Lake City, UT 84130-0954
 15222186 E-mail/Text: JCAP_BNC_Notices@jcap.com Jun 05 2020 02:39:26 Jefferson Capital Systems LLC,
 PO Box 7999, Saint Cloud Mn 56302-9617
 15196480 E-mail/PDF: ais.chase.ebn@americaninfosource.com Jun 05 2020 02:46:59 JPMCB Card Services,
 PO Box 15369, Wilmington, DE 19850
 15196481 +E-mail/Text: camanagement@mtb.com Jun 05 2020 02:39:08 M&T Mortgage, PO Box 900,
 Millsboro, DE 19966-0900
 15204162 E-mail/PDF: MerrickBKNotifications@Resurgent.com Jun 05 2020 02:47:01 MERRICK BANK,
 Resurgent Capital Services, PO Box 10368, Greenville, SC 29603-0368
 15196482 +E-mail/PDF: MerrickBKNotifications@Resurgent.com Jun 05 2020 02:47:00 Merrick Bank,
 PO Box 9201, Old Bethpage, NY 11804-9001
 15196485 E-mail/PDF: gecsedirecoverycorp.com Jun 05 2020 02:46:34 SYNCB/Amazon PLCC,
 PO Box 965015, Orlando, FL 32896-5015
 15196486 +E-mail/PDF: gecsedirecoverycorp.com Jun 05 2020 02:47:24 SYNCB/JCI Home Design,
 C/O PO Box 965036, Orlando, FL 32896-0001
 15196487 +E-mail/PDF: gecsedirecoverycorp.com Jun 05 2020 02:47:24 SYNCB/JCPenny, PO Box 965007,
 Orlando, FL 32896-5007
 15196488 +E-mail/PDF: gecsedirecoverycorp.com Jun 05 2020 02:47:24 SYNCB/Lowes, PO Box 965005,
 Orlando, FL 32896-5005
 15196484 +E-mail/Text: ebn_bkrt_forms@salliemae.com Jun 05 2020 02:39:30 Sallie Mae, PO Box 3229,
 Wilmington, DE 19804-0229
 15231880 E-mail/Text: ebn_bkrt_forms@salliemae.com Jun 05 2020 02:39:30 Sallie Mae, P.O. Box 3319,
 Wilmington, DE 19804-4319
 15196762 +E-mail/PDF: gecsedirecoverycorp.com Jun 05 2020 02:46:59 Synchrony Bank,
 c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 15230200 +E-mail/PDF: gecsedirecoverycorp.com Jun 05 2020 02:47:23 Synchrony Bank,
 c/o PRA Receivables Management, LLC, PO Box 41021, Norfolk VA 23541-1021
 15226968 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Jun 05 2020 02:47:06 Verizon,
 by American InfoSource as agent, PO Box 4457, Houston, TX 77210-4457

TOTAL: 23

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Lakeview Loan Servicing LLC

District/off: 0315-2

User: dric
Form ID: 149

Page 2 of 2
Total Noticed: 35

Date Rcvd: Jun 04, 2020

cr* +DISCOVER PERSONAL LOANS, PO Box 30954, Salt Lake City, UT 84130-0954

TOTALS: 1, * 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jun 06, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 4, 2020 at the address(es) listed below:

Brian C. Thompson on behalf of Joint Debtor Michelle R. Shaffer bthompson@ThompsonAttorney.com,
blemon@thompsonattorney.com;mgillespie@thompsonattorney.com;bthompson@ecf.courtdrive.com;jgorze@t
hompsonattorney.com;jcastello@thompsonattorney.com;kbelko@thompsonattorney.com
Brian C. Thompson on behalf of Debtor John E. Shaffer bthompson@ThompsonAttorney.com,
blemon@thompsonattorney.com;mgillespie@thompsonattorney.com;bthompson@ecf.courtdrive.com;jgorze@t
hompsonattorney.com;jcastello@thompsonattorney.com;kbelko@thompsonattorney.com
James Warmbrodt on behalf of Creditor Lakeview Loan Servicing LLC bkgroup@kmlawgroup.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com
S. James Wallace on behalf of Creditor Peoples Natural Gas Company LLC sjw@sjwpgh.com,
srk@sjwpgh.com;PNGbankruptcy@peoples-gas.com

TOTAL: 6